

**RULES
OF
OFFICE OF STATE ADMINISTRATIVE HEARINGS**

**CHAPTER 616-1-1
ORGANIZATION**

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616-1-1-.01 Organization. Amended.

(1) The Office of State Administrative Hearings is empowered by statute to adjudicate contested cases on behalf of state agencies. The state agencies that are required to refer contested cases to the Office of State Administrative Hearings for resolution are listed in O.C.G.A. § 50-13-2(1), (42). Other state agencies may contract with the Office of State Administrative Hearings for adjudication services.

(2) The Office of State Administrative Hearings is administered by the Chief State Administrative Law Judge. The Chief State Administrative Law Judge is appointed by the Governor for a term of six (6) years and may be removed by the Governor for cause. The Chief State Administrative Law Judge is authorized to appoint all Office of State Administrative Hearings personnel and to promulgate rules and regulations governing the operations and hearing procedures of the Office of State Administrative Hearings.

(3) Other staff in the Chief State Administrative Law Judge's office include:

(a) a Deputy Chief Administrative Law Judge who assists the Chief State Administrative Law Judge in managing the Office of State Administrative Hearings;

(b) an Administrative Assistant to the Chief State Administrative Law Judge who is responsible for providing information to and receiving submissions from the public as described in Rule 02; and

(c) a Chief Clerk who is responsible for receiving and filing all submissions authorized or required to be filed with the Office of State Administrative Hearings.

Authority O.C.G.A. Sec. 50-13-40(c). **History.** ER 616-1-1-0.1 was f. on Mar. 23, 1995; eff. Apr. 1, 1995, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency. **Amended:** ER 616-1-1-0.1 repealed and R. 616-1-1-.01 entitled "Organization" adopted. F. Jun. 30, 1995; eff. Jul. 20, 1995. **Amended:** F. Feb. 27, 1997; eff. Mar. 19, 1997. **Amended:** F. Nov. 15, 2010; eff. Dec. 5, 2010.

616-1-1-.02 Requesting Information From or Making Submissions to the Office of State Administrative Hearings. Amended.

(1) General information about the Office of State Administrative Hearings' operations may be obtained from the Administrative Assistant to the Chief State Administrative Law Judge.

(2) Requests for information or submissions concerning public participation in rulemaking pursuant to Rule 03 may be directed to the Administrative Assistant to the Chief State Administrative Law Judge.

Authority O.C.G.A. Sec. 50-13-40. **History.** Original Rule entitled "Method of Obtaining Information From, Making Submissions to or Requests of the Office" adopted as ER. 616-1-1-0.1-.02. F. Mar. 23, 1995; eff. Apr. 1, 1995, as specified by the Agency. **Amended:** Permanent Rule of same title adopted. F. June 30, 1995; eff. July 20, 1995. **Amended:** F. July 13, 2004; eff. Aug. 2, 2004. **Amended:** F. Nov. 15, 2010; eff. Dec. 5, 2010.

616-1-1-.03 Rulemaking Procedures. Amended.

To petition for the promulgation, amendment, or repeal of a rule, three (3) copies of a written petition shall be submitted to the Chief State Administrative Law Judge. The petition shall state fully the rule involved, the reason for the desired change, the parties that will or can be affected by the petitioned change, and any additional facts known to the petitioner that might influence the decision of the Chief State Administrative Law Judge to initiate rulemaking.

Authority O.C.G.A. Sec. 50-13-40. **History.** Original Rule entitled “Procedures to Petition for the Adoption of Rules” adopted. F. June 30, 1995; eff. July 20, 1995. **Amended:** F. Nov. 15, 2010; eff. Dec. 5, 2010.

616-1-1-.04 Declaratory Rulings. Amended.

A declaratory ruling must affect a specific fact situation and specific parties, including the person requesting the ruling. The Chief State Administrative Law Judge shall not issue a declaratory ruling on an issue in a matter pending before an Office of State Administrative Hearings Administrative Law Judge or on a hypothetical fact situation.

(a) To petition for a declaratory ruling as to the applicability of a statute or rule, a petitioner shall submit three (3) copies of the written petition to the Chief State Administrative Law Judge. The petition shall state all of the facts, including the names of those parties involved in the fact situation, and shall include a statement of the legal issue to be resolved.

(b) The petitioner shall serve a copy of the petition on all persons involved in the fact situation by personal delivery or first class mail, and shall attach to the petition a certificate or acknowledgment of service.

(c) Any person may seek to participate in a declaratory ruling proceeding in the matter and under the standards provided by O.C.G.A. § 50-13-14.

Authority O.C.G.A. Sec. 50-13-40. **History.** Original Rule entitled “Procedures for Declaratory Rulings” adopted. F. June 30, 1995; eff. July 20, 1995. **Amended:** F. Feb. 27, 1997; eff. Mar. 19, 1997. **Amended:** F. Nov. 15, 2010; eff. Dec. 5, 2010.

616-1-1-.05 Continuing Judicial Education. Amended.

(1) The minimum continuing judicial education requirement for an Administrative Law Judge is as follows:

(a) An Administrative Law Judge shall obtain twelve (12) hours of credit annually for instruction from an approved continuing judicial or legal education program.

(b) An Administrative Law Judge who earns more than twelve (12) hours of credit in a year may, with express approval of the Chief State Administrative Law Judge, apply the excess credit to the requirement for the succeeding year.

(c) Of the twelve (12) hours of credit obtained each year, at least one (1) hour of credit shall relate to the Code of Judicial Conduct.

(d) The Chief State Administrative Law Judge may exempt an Administrative Law Judge from the continuing judicial education requirement upon a finding of undue hardship. To obtain an exemption, an Administrative Law Judge shall file a request for exemption with the Chief State Administrative Law Judge no later than the first day of December for the year the exemption is sought.

(2) An Administrative Law Judge may receive credit by participating in Continuing Judicial Education programs of the Office of State Administrative Hearings. An Administrative Law Judge who seeks credit for attending programs listed in subparagraphs (a) through (e) shall provide to the Chief State Administrative Law Judge in advance of attendance a description of the program for which credit is sought. An Administrative Law Judge may receive credit by participating in one or more of the following:

(a) programs sponsored by the Institute of Continuing Legal Education accredited by the State Bar of Georgia's Commission on Continuing Lawyer Competency;

(b) programs sponsored by the Institute of Continuing Judicial Education;

(c) courses sponsored by the National Judicial College or any American Bar Association accredited law school, whether for credit or not;

(d) programs sponsored by the National Association of the Administrative Law Judiciary and its affiliates; or

(e) other education programs approved in advance of attendance by the Chief State Administrative Law Judge.

(3) An Administrative Law Judge shall receive one (1) hour of credit for each hour of attendance in a program listed in paragraph (2), three (3) hours of credit for each hour of teaching in such a program, six (6) hours of credit for each hour of instruction when a handout is prepared and distributed, and two (2) hours of credit for each hour as a panelist.

(4) An Administrative Law Judge shall file a compliance report with the Chief State Administrative Law Judge no later than the end of the second week in December of the year for which the report is submitted.

Authority O.C.G.A. Sec. 50-13-40. **History.** Original Rule entitled “Mandatory Continuing Judicial Education” adopted. F. Feb. 27, 1997; eff. Mar. 19, 1997. **Amended:** F. Nov. 15, 2010; eff. Dec. 5, 2010.

616-1-1-.06 Code of Judicial Conduct. Amended.

An Office of State Administrative Hearings Administrative Law Judge is subject to the Georgia Code of Judicial Conduct.

Authority O.C.G.A. Sec. 50-13-40. **History.** Original Rule entitled “Code of Judicial Conduct” adopted. F. Dec. 12, 2003; eff. Jan. 1, 2004. **Amended:** F. Nov. 15, 2010; eff. Dec. 5, 2010.

616-1-1-.07 Oath of Office. Amended.

An Office of State Administrative Hearings Administrative Law Judge shall take the oath prescribed for judges of the Georgia superior courts, along with all other oaths required for civil officers.

Authority O.C.G.A. Sec. 50-13-40. **History.** Original Rule entitled “Oath of Office” adopted. F. Dec. 12, 2003; eff. Jan. 1, 2004. **Amended:** F. Nov. 15, 2010; eff. Dec. 5, 2010.